

EXHIBIT B

*Transcript Of The Search Warrant Application Hearing Held
Before The Honorable Julio Rodriguez, III, On May 28, 2015*

1 CRIMINAL COURT OF CITY OF NEW YORK.

2 COUNTY OF BRONX: CRIMINAL TERM: PART TP3

3 -----x

4 APPLICATION FOR A SEARCH WARRANT :

5 FOR 2416 Webster Avenue, Apt. #1S :

6 -----x

7 -----x

8 Bronx Criminal Court
9 265 East 161st Street
Bronx, New York 10451

10 May 28, 2015

11

12 B E F O R E : HONORABLE JULIO RODRIGUEZ, III,
13 Criminal Court Judge

14 A P P E A R A N C E S :

15

16

17

18

19

20

21

22

23

24

25

FOR THE PEOPLE:
ROBERT T. JOHNSON, ESQ.
District Attorney, Bronx County
BY: KARYN YUKELSON, ESQ.
Assistant District Attorney

NICOLE AMENEIROS, R.P.R.
Official Court Reporter

Proceedings

1 MS. YUKELSON: For the record, I'm Assistant
2 District Attorney Karyn Yukelson for the Office of Robert
3 T. Johnson. The date is May 28th, 2015. The time is now
4 12:30 p.m. We are present here in the Bronx Hall of
5 Justice. Present are myself, the Honorable Judge
6 Rodriguez, III, a court stenographer, a court officer and
7 Detective Daris Lopez. Your Honor, we're here before you
8 today because we have an application for a search warrant
9 at 2416 Webster Avenue, Apartment 1S, as in Sandy..

10 THE COURT: Swear the detective in, please.

11 COURT OFFICER: Detective, raise your right hand,
12 please.

13 D A R I S. L O P E Z,
14 Shield No. 487, New York City Police Department, Bronx
15 Narcotics, having been first duly sworn, was examined and
16 testified as follows:

17 DETECTIVE LOPEZ: Yes, sir.

18 COURT OFFICER: State your name, shield, and
19 command for the record, please.

20 DETECTIVE LOPEZ: Yes. Detective Lopez, Daris,
21 Shield 487, Bronx Narcotics.

22 THE COURT: All right, Detective Lopez, I have
23 before me a four-page affidavit in support of the People's
24 application for a search warrant authorizing the search at
25 2416 Webster Avenue, Apartment 1S, as in Sam, here in Bronx

Proceedings

3

1 County. Have you had an opportunity to review this
2 affidavit?

3 DETECTIVE LOPEZ: Yes, sir.

4 THE COURT: Is everything in here true and
5 accurate?

6 DETECTIVE LOPEZ: Yes, sir.

7 THE COURT: And can you sign the affidavit in my
8 presence?

9 DETECTIVE LOPEZ: Yes, sir.

10 THE COURT: Let the record reflect that the
11 detective has signed the affidavit. It's approximately
12 12:30 p.m. I'm signing it as well.

13 Detective, I understand that you used a
14 confidential informant to perform two controlled buys at
15 the location?

16 DETECTIVE LOPEZ: Yes, sir.

17 THE COURT: The confidential informant, is it a
18 registered informant?

19 DETECTIVE LOPEZ: Yes, it is.

20 THE COURT: Paid informant?

21 DETECTIVE LOPEZ: Yes, sir.

22 THE COURT: Have you used this informant in the
23 past?

24 DETECTIVE LOPEZ: [REDACTED]

25 THE COURT: Successful in obtaining search

Proceedings

warrants?

DETECTIVE LOPEZ: [REDACTED]

THE COURT: [REDACTED]

DETECTIVE LOPEZ: [REDACTED]

THE COURT: Now, the location here, 2416 Webster Avenue, Apartment 1S, as in Sam, when is the most recent time that you went to that location?

DETECTIVE LOPEZ: I was there the [REDACTED] and also [REDACTED]

THE COURT: And did you have an opportunity to see the door to --

DETECTIVE LOPEZ: Yes, sir.

THE COURT: -- 1S? Is that clearly marked?

DETECTIVE LOPEZ: It's clearly marked.

THE COURT: How is it marked?

DETECTIVE LOPEZ: It's golden with black letters.

THE COURT: Are those stickers?

DETECTIVE LOPEZ: Yes.

THE COURT: Is it marked 1S?

DETECTIVE LOPEZ: Yes, sir.

THE COURT: All right. What floor is this on?

DETECTIVE LOPEZ: The first floor. It's the first -- when you enter the building it's two doors to enter the building. They're open, wide open. It's going to be 1N to

Proceedings

5

1 my left and is to my right.

2 THE COURT: In to the left?

3 DETECTIVE LOPEZ: In to my left and is to my
4 right.

5 THE COURT: Is to the right. Now, it's my
6 understanding, having read the affidavit, that for each
7 controlled buy you searched the confidential informant?

8 DETECTIVE LOPEZ: Yes, sir.

9 THE COURT: Nothing was recovered, correct?

10 DETECTIVE LOPEZ: No.

11 THE COURT: And you provided the confidential
12 informant with money used to buy the narcotics?

13 DETECTIVE LOPEZ: Yes, sir.

14 THE COURT: What was recovered here?

15 DETECTIVE LOPEZ: The [REDACTED] was recovered

16 [REDACTED] It was field tested for

17 [REDACTED] made positive. [REDACTED] was [REDACTED] of

18 [REDACTED] was field tested for [REDACTED]

19 THE COURT: Positive?

20 DETECTIVE LOPEZ: Yes, sir.

21 THE COURT: All right. Bring the informant in.

22 DETECTIVE LOPEZ: Sure.

23 THE COURT: All right. Let the record reflect
24 that the confidential informant is in the room. Swear the
25 informant in.

Proceedings

1 COURT OFFICER: Raise your right hand.

2 CONFIDENTIAL INFORMANT: Yes, sir.

3 (Whereupon, the confidential informant was sworn
4 in.)

5 CONFIDENTIAL INFORMANT: Yes, sir.

6 THE COURT: All right. It's my understanding
7 that, along with Detective Lopez, you have conducted
8 controlled buys for [REDACTED] is that correct?

9 CONFIDENTIAL INFORMANT: Yes.

10 THE COURT: Tell me the location that you -- that
11 this operation was aimed at.

12 CONFIDENTIAL INFORMANT: [REDACTED]

13 THE COURT: [REDACTED]

14 CONFIDENTIAL INFORMANT: 2416 Webster Avenue.

15 THE COURT: Okay. Is there an apartment number?

16 CONFIDENTIAL INFORMANT: Apartment 13.

17 THE COURT: Okay. Is that here in Bronx County?

18 CONFIDENTIAL INFORMANT: In the Bronx.

19 THE COURT: Okay. Now, the apartment 13, how do
20 you know it's apartment 13?

21 CONFIDENTIAL INFORMANT: Because it got the number
22 on the door.

23 THE COURT: Okay. What does it say?

24 CONFIDENTIAL INFORMANT: One and S, like sun.

25 THE COURT: Okay. Now, when was the first time

Proceedings

1 that you went to that -- well, when was the [REDACTED]
2 controlled buy performed at that location with Detective
3 Lopez?

4 CONFIDENTIAL INFORMANT: When I over there.

5 THE COURT: What date?

6 CONFIDENTIAL INFORMANT: On the [REDACTED]
7 [REDACTED]

8 THE COURT: Okay. Let's talk about [REDACTED]

9 CONFIDENTIAL INFORMANT: [REDACTED]

10 THE COURT: From the [REDACTED]

11 CONFIDENTIAL INFORMANT: Yeah, I think so.

12 THE COURT: Okay. Let's talk about [REDACTED]
13 [REDACTED]

14 CONFIDENTIAL INFORMANT: On the [REDACTED] yes, [REDACTED]
15 [REDACTED]

16 THE COURT: Tell me what happened on [REDACTED]

17 CONFIDENTIAL INFORMANT: I get the money from
18 Ms. Lopez. They searched me. They give me money. They
19 give me the information, and I go over there and I ask the
20 guy, [REDACTED]

21 THE COURT: When you say you go over there tell me
22 where you went.

23 CONFIDENTIAL INFORMANT: I go to 2416.

24 THE COURT: Okay. 2416 what?

25 CONFIDENTIAL INFORMANT: Webster Avenue.

Proceedings

8

1 THE COURT: All right. When you get there how do
2 you get into the building?

3 CONFIDENTIAL INFORMANT: [REDACTED]

4 THE COURT: All right. So when you get into the
5 building where do you go?

6 CONFIDENTIAL INFORMANT: I go to 1S, [REDACTED]
7 [REDACTED]

8 THE COURT: Where is 1S? On the first floor?

9 CONFIDENTIAL INFORMANT: Yeah.

10 THE COURT: Okay. Now, when you [REDACTED]
11 you [REDACTED] on 1S?

12 CONFIDENTIAL INFORMANT: Yes.

13 THE COURT: Tell me what happens.

14 CONFIDENTIAL INFORMANT: [REDACTED] The guy said,

15 [REDACTED] and I said, [REDACTED] He said, [REDACTED]

16 [REDACTED] He said, [REDACTED] I

17 say, [REDACTED]

18 THE COURT: Okay. Who answered the door?

19 CONFIDENTIAL INFORMANT: The black guy.

20 THE COURT: Okay. Do you know him by any name?

21 CONFIDENTIAL INFORMANT: [REDACTED]

22 THE COURT: All right. So [REDACTED] answers the
23 door, right?

24 CONFIDENTIAL INFORMANT: Yes.

25 THE COURT: Does [REDACTED] allow you into the

Proceedings

9

1 apartment?

2 CONFIDENTIAL INFORMANT: [REDACTED] He gave me [REDACTED]

3 [REDACTED]
4 THE COURT: Listen to my question. Do you go into
5 the apartment or do you stay in the hallway?

6 CONFIDENTIAL INFORMANT: [REDACTED]

7 THE COURT: [REDACTED]

8 CONFIDENTIAL INFORMANT: [REDACTED]

9 THE COURT: Okay. So when you [REDACTED]

10 [REDACTED] opens, right?

11 CONFIDENTIAL INFORMANT: Yeah.

12 THE COURT: What happens next?

13 CONFIDENTIAL INFORMANT: [REDACTED] I ask,

14 [REDACTED] He said, [REDACTED] I said,

15 [REDACTED] so he [REDACTED]

16 THE COURT: Now, what did he give you?

17 CONFIDENTIAL INFORMANT: A bag of [REDACTED]

18 THE COURT: Where did he get [REDACTED]

19 from?

20 CONFIDENTIAL INFORMANT: [REDACTED]

21 THE COURT: [REDACTED]

22 CONFIDENTIAL INFORMANT: [REDACTED]

23 THE COURT: And you gave him [REDACTED]

24 CONFIDENTIAL INFORMANT: I gave him [REDACTED]

25 THE COURT: And then what did you do once you had

Proceedings

10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]
CONFIDENTIAL INFORMANT: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] then I give to Ms. Lopez.

THE COURT: Now, you went back there on [REDACTED]

CONFIDENTIAL INFORMANT: Then I came back on [REDACTED]

THE COURT: Tell me what happens on [REDACTED]. Do you meet with Detective Lopez?

CONFIDENTIAL INFORMANT: Yes.

THE COURT: Tell me what happens at that meeting.

CONFIDENTIAL INFORMANT: She searched me and then she give me money again, [REDACTED] and I go to the guy, the other guy, [REDACTED]

THE COURT: Let's stop. After she gives you the [REDACTED] where do you go?

CONFIDENTIAL INFORMANT: I go to 2416.

THE COURT: 2416 what?

CONFIDENTIAL INFORMANT: Webster Avenue.

THE COURT: All right. Do you go back to Apartment 1S?

CONFIDENTIAL INFORMANT: I went to Apartment 1S, and the Dominican guy --

THE COURT: Let's take it one step back. Once you

Proceedings

11

1 go to the Apartment 15 what do you do?

2 CONFIDENTIAL INFORMANT: [REDACTED]

3 THE COURT: Okay. Then what happens?

4 CONFIDENTIAL INFORMANT: The guy [REDACTED]

5 the [REDACTED] give me [REDACTED]

6 THE COURT: When you say [REDACTED]

7 was that [REDACTED] that opened the door?

8 CONFIDENTIAL INFORMANT: [REDACTED] no [REDACTED] the

9 [REDACTED] guy.

10 THE COURT: A [REDACTED] guy opened the door, okay.

11 Do you say anything to this [REDACTED]

12 CONFIDENTIAL INFORMANT: Yeah, I told him, [REDACTED]

13 [REDACTED] He said, [REDACTED] I said, [REDACTED]

14 [REDACTED] so he give me [REDACTED]

15 THE COURT: Okay. Where did he get [REDACTED]

16 [REDACTED]

17 CONFIDENTIAL INFORMANT: [REDACTED]

18 [REDACTED]

19 THE COURT: Okay. Did you go inside of the

20 apartment?

21 CONFIDENTIAL INFORMANT: [REDACTED]

22 THE COURT: [REDACTED]

23 CONFIDENTIAL INFORMANT: [REDACTED]

24 [REDACTED]

25 THE COURT: All right. At this time he gave you

Proceedings

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]

CONFIDENTIAL INFORMANT: Yeah, he gave me [REDACTED]

THE COURT: What did you do with [REDACTED]

CONFIDENTIAL INFORMANT: [REDACTED] I bring it
back to Ms. Lopez.

THE COURT: Okay. Why are you providing this
information to the New York City Police Department?

CONFIDENTIAL INFORMANT: Because they pay me.

THE COURT: Okay. You understand you're under
oath?

CONFIDENTIAL INFORMANT: Huh?

THE COURT: That you're under oath? That you're
required to tell the truth?

CONFIDENTIAL INFORMANT: I'm telling the truth.

THE COURT: You understand you are under oath,
right, in this proceeding?

CONFIDENTIAL INFORMANT: Oh, yes.

THE COURT: You understand that there are
consequences if it is later determined that you did not
tell the truth, that you lied to this Court?

CONFIDENTIAL INFORMANT: Yes.

THE COURT: What are some of those consequence?

CONFIDENTIAL INFORMANT: They are going to give me
in jail.

THE COURT: Okay. Anything further?

Proceedings

1 MS. YUKELSON: Not for this witness.

2 THE COURT: All right. You may step out.

3 Let the record reflect that I found the
4 confidential informant to be credible and reliable. Based
5 on the information provided by the confidential informant
6 and the affidavit of Detective Lopez, I find that probable
7 cause exists to issue a search warrant, authorizing the
8 search of 2416 Webster Avenue, Apartment 1S, as in Sam,
9 which is clearly marked on the first floor, for contraband
10 and any evidence tending to establish the ownership of the
11 premises and the connected persons found therein. Let the
12 record reflect I'm signing off on the search warrant
13 itself. It is 12:39. People, do you have any application?

14 MS. YUKELSON: Yes, at this time, your Honor, I
15 ask that any gender reference to the CI be stricken from
16 the record and be replaced with a gender neutral term "The
17 CI."

18 THE COURT: That's granted.

19 MS. YUKELSON: I also ask that your Honor seal the
20 minutes and the affidavit, except for one copy to be kept
21 by the Office of the District Attorney.

22 THE COURT: That's granted.

23 MS. YUKELSON: And as included in the body of the
24 affidavit, the People are seeking a No-Knock Provision to
25 prevent the destruction of evidence and for the safety of

Proceedings

1 the officers.

2 THE COURT: That's granted as well. This
3 concludes the proceedings.

4 MS. YUKELSON: Thank you.

5 * * * *

6
7 Certified to be a true and accurate transcript of the
8 stenographic minutes taken within.

9
10 

11 NICOLE M. AMENEIROS, R.P.R.
12 Official Court Reporter
13
14
15
16
17
18
19
20
21
22
23
24
25